

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By **CHAIRMAN MACK COLE**, on March 19, 1999 at 10:00 A.M., in Room 331 Capitol.

ROLL CALL

Members Present:

Sen. Mack Cole, Chairman (R)
Sen. Don Hargrove, Vice Chairman (R)
Sen. Jon Tester (D)
Sen. Jack Wells (R)

Members Excused: Sen. Bill Wilson (D)

Members Absent: None.

Staff Present: Keri Burkhardt, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SR 4, 3/15/1999
Executive Action: SR 4, HB 578, HB 632

HEARING ON SR 4

SEN. HARGROVE took over as chairman.

Sponsor: **SEN. MACK COLE, SD 4, HYSHAM**

Proponents: **Susan Ames, Boards and Commissions Coordinator,
Governor's Office**

{Tape : 1; Side : A; Approx. Time Counter : 15 - 20}

Opening Statement by Sponsor:

SEN. MACK COLE, SD 4, HYSHAM, stated, this is a resolution for confirming the appointments for the Governor's Board and I think you all have a copy of it before you. With that I will leave it to the proponents.

Proponents' Testimony:

Susan Ames, Boards and Commissions Coordinator, Governor's Office, said **SR 4** is the Governor's appointments to the various boards and commissions and recommends their confirmations. Because of the research members of this committee have conducted of these individuals, I'm sure you are all well aware of the challenges in the task of appointing board members. It requires a great deal of thought and information for each appointment. The Governor, Lieutenant Governor, and I want to assure you that our priorities when considering possible candidates lie in who we feel would most benefit each particular board and bring the best balance with their unique perspectives. We also are always mindful of race, gender, and geographic considerations. It is our practice to routinely check licenses for any complaints or problems. We talk to board and staff people about the effectiveness of its members. We may solicit input from various associations or any other group or individual who we feel would be a valuable source of information. Sometimes, we even visit with the community leaders and often receive input from legislators as well. I would like to take this opportunity to thank each one of you today for the thorough and complete investigations you have conducted on our appointees. I believe we can all be assured that the people representing Montana on these boards are quality individuals who can be trusted to address concerns fairly and thoughtfully and who will be for all of our best interests. I urge your support for **SR 4**.

Questions from Committee Members and Responses:

SEN. HARGROVE said every session there is always discussion about a better way to do this. Have you thought of a better way?

Susan Ames replied, my only suggestion would be for you to give your opinion on how valuable you think confirming the licensing boards would be. That would cut the task down a lot for you and for me, as well as our office. I think there are several boards it's important to take a look at and have you take a look at. We rarely come across any questions or problems with the licensing boards.

SEN. HARGROVE asked, could we do that in regulation or would it require a law change? **Susan Ames** said, I know it would require a law change because for most appointees, it's written in the statutes that they have to be confirmed. **SEN. HARGROVE** stated, one of the big values I see in it is people like to be called. They feel honored. **Susan Ames** added some may also be fearful, but I try to let them know that they will be getting a phone call from the State Senate and it's nothing to be concerned about.

Closing by Sponsor:

SEN. COLE said this is a straight-forward resolution and I close.

SEN. COLE retook chairman position.

{Tape : 1; Side : A; Approx. Time Counter : 20 - 56}

EXECUTIVE ACTION ON SR 4

Motion: **SEN. WELLS** moved that **SJ 4 DO PASS.**

Discussion:

SEN. COLE stated, before we take action on this we have an amendment to remove the name of Ms. Colleen Hatcher from the Board of Physical Therapy.

David Niss explained the change should be made at the final vote, not the preliminary report. The only place the Senate rules provide a separation of one name from the pack is in the final committee report, rather than the preliminary.

Motion: **SEN. COLE** moved that **SR 4 BE AMENDED** in the final report rather than the on the preliminary report.

Discussion:

Ms. Colleen Hatcher said she did not wish to be on the Board because she is too busy with her new baby. **Susan Ames** received a letter of resignation from her.

Vote: Motion **carried 4-0.**

Motion/Vote: **SEN. TESTER** moved that **SR 4 DO PASS AS AMENDED.**

Motion carried 4-0.

DISCUSSION

A brief discussion was held about the third list of board appointments, which will be cut off on March 31. Also, they discussed what they will do with the few they may have in April. If this committee didn't call the few appointees left in April, their term might expire between now and the next session. If they were interim appointments last time and don't get voted this time, their entire term never would be approved by the Senate.

David Niss explained Chapter 7 of the Senate rules says it is reported out first as a preliminary committee report. It goes to the Senate and lays on the desks of all fifty Senators for three days. If a Senator does not request that any name or number of names be split off from the group, the action is taken after the three days as a final committee report. The final committee report goes back to the Senate and is voted on. It gives every Senator a one time opportunity to have any names split off and voted on individually. The way that is done, which will have to apply to this Physical Therapy Board member, is that the change will have to be handled just as if a member of the Senate had requested his or her name split off or a member of this committee requested that. Someone from this committee would have to request that her name is split off.

I would recommend that you request a different bill draft request and this name goes on it. Then the name is struck on **SJ 4**. The new bill carries only this person's name and could be left with no action or tabled. Now that the resolution has been introduced, read across the rostrum, and assigned to this committee, you can't take it out by any other method. The resolution has to be amended by committee and floor action. If we had received word of that prior to introduction, we could have handled it in a very informal way, simply by redoing the resolution and taking her name off it.

The committee decided to amend the resolution in committee, not on the Senate Floor. The name will be stricken and the authority will be called the committee's recommendations based on the language in Chapter 7.

Motion/Vote: SEN. TESTER moved that **SR 4 BE RECONSIDERED** Motion carried 4-0.

Motion/Vote: SEN. TESTER moved that **SR 4 BE AMENDED** to strike Line 9, on Page 6. Motion carried 4-0.

Motion/Vote: SEN. TESTER moved that SR 4 DO PASS AS AMENDED.
Motion carried 4-0.

The resolution will sit on the desks on the Senate Floor for three days with Ms. Hatcher stricken from the Board.

{Tape : 1; Side : B; Approx. Time Counter : 56 - 69}

EXECUTIVE ACTION ON HB 578

David Niss explained, previously SEN. TESTER moved amendment versions HB057801.ash and HB057802.adn and there was no action taken on that. SEN. HARGROVE indicated he wanted to talk to REP. ANDERSON about it.

SEN. HARGROVE stated, I talked with him and he said he would be pleased to strike the (ii).

Motion/Vote: SEN. COLE moved that AMENDMENT HB057802.ash BE AMENDED to strike "(ii) materials to be used solely to promote tourism in Montana".

Discussion:

Matthew Cohn, Director, Tourism Montana, was contacted and he indicated that this was livable.

Vote: Motion carried 4-0.

Discussion:

Discussion was held to recall what amendment HB057801.adn was about.

SEN. COLE stated, I called two or three of the people who were concerned about it and they have all agreed that was fine.

Vote: Motion carried 4-0.

Motion/Vote: SEN. HARGROVE moved that HB 578 BE CONCURRED IN AS AMENDED. Motion carried 4-0.

EXECUTIVE ACTION ON HB 632

Discussion:

SEN. WELLS said, I talked with the County Clerk and Recorder and pointed out what we were talking about doing here. She said, please do not go down to a day before an election. She has sixteen rural school districts in her county and she said, "right now I have to jump through the hoops to get all of the proper voters' lists out to those proper districts. If they have a different day and they are holding different elections, I have people running to and fro. No way could I cover the administrative workload if you let people come in and reactivate the day before the election".

SEN. COLE stated, I did some further checking about the same day. They said they understand, but it will kill them.

SEN. WELLS said she recognized for non-federal elections, all these small local elections is where the workload would really occur. She said she did not think she could do it. I think the way the bill is written, particularly on Page 5, Lines 5 and 6, "for non-federal elections reactivation must be accomplished no later than thirty days before...", I feel I would like to make every attempt to give people the opportunity to get to the ballot. The point we made before is that it takes a lot of inactivity to be put on the inactive list. Therefore, if you are not attentive enough to get on it, you're going to miss one of those local elections.

SEN. TESTER stated, I think **SEN. WELLS** said it well. I am going to support this bill because I don't want to put those people in a bind. It is my hope that those people would strive to cut that thirty days to fifteen and eventually down to one, but whether in fact they will do that, I don't know.

David Niss explained there is one other alternative; to let the law stand, with some amount of confusion in it, to let the Clerks and Recorders do what is best for their district needs and just strike Lines 5 and 6 from Page 5.

SEN. COLE said, I would like to see everything the same to cut the confusion down.

SEN. TESTER stated, I think we should pass this and get some people's eyes opened up. If there is a problem we will hear about it, then we will have some support from people who wish to change it.

Motion/Vote: SEN. WELLS moved that HB 632 BE CONCURRED IN.
Motion carried 4-0.

ADJOURNMENT

Adjournment: 11:09 A.M.

SEN. MACK COLE, Chairman

KERI BURKHARDT, Secretary

MC/KB

EXHIBIT (sts62aad)